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BRINKS HOFER GILSON & LIONE / YAHOO! OVERTURE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER

BOVEJA, NAMRATA

ART UNIT	PAPER NUMBER
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3622

MAIL DATE	DELIVERY MODE
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09/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/700,837	Applicant(s) YASNOVSKY ET AL.	
	Examiner NAMRATA BOVEJA	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-133 is/are pending in the application.
- 4a) Of the above claim(s) 1-94 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 95-133 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 and 02 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the RCE communication filed on 05/07/2009.
2. Claims 1-94 have been cancelled and claims 95-108 and 110-133 are presented for examination.

Objections

3. *Claim 95 recites a method providing a, and it should instead recite a method for providing a.*
4. *There is no claim number 109, so the claims following claim number 108 should account for this.*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. *Claims 95-97 and 100-107 are rejected under 103(a) as being unpatentable over Wagner et al. (Publication Number 2002/0073034 hereinafter Wagner) in view of Mason et al. (Patent Number 6,401,075 hereinafter Mason).*

In reference to claim 95, Wagner teaches a method a self-serve interface over the Internet for advertisers to establish ad campaigns comprising: receiving a request from an advertiser for creating an ad campaign comprising one or more advertisements (abstract, page 1 paragraphs 7 and 8, page 2 paragraph 25, page 3 paragraphs 34 and

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36, and Figure 3); providing the self-serve interface to the advertiser for establishing an ad campaign (page 3 paragraphs 34 and 36 and Figure 3), further wherein establishing the ad campaign by the advertiser comprises: receiving a selection of the one or more advertisements for the campaign from the advertiser (page 3 paragraphs 34 and 36 and Figure 3); receiving a selection of dates for displaying the selected advertisements from the advertiser (page 3 paragraph 35 and Figure 3); receiving a budget from the advertiser that establishes a maximum amount to spend for the display of the selected advertisements (page 3 paragraph 38 and Figure 3); providing a management screen from the self-serve interface for viewing and editing, by the advertiser, the selection of the advertisements, the selection of the dates, and the budget (page 3 paragraphs 34-38 and Figure 3).

Wagner also teaches obtaining name, address, and credit card information from the advertiser (page 3 paragraph 34 and Figure 3). Wagner does not specifically teach establishing an online account for the advertiser, the online account comprising log in information, wherein access to the self-serve interface by the advertiser is based on the log in information. Mason teaches establishing an online account for the advertiser, the online account comprising log in information, wherein access to the self-serve interface by the advertiser is based on the log in information (col. 5 lines 33-46, col. 7 lines 5-13, and Figure 1). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Wagner to include establishing an online account for the advertiser, the online account comprising log in information, wherein access to the self-serve interface by the advertiser is based on the log in information to

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prevent the advertiser from having to re-enter credit card and identification information each time the advertiser uses the interface.

6. *In reference to claim 96, Wagner teaches the method wherein the selection of one or more advertisements comprises providing an interface for the advertiser to create the advertisements (page 3 paragraphs 34 and 36 and Figure 3).*

7. *In reference to claim 97, Wagner teaches the method wherein the creation of one or more advertisements comprises: providing a plurality of template advertisements (page 3 paragraphs 36 and 37, page 4 paragraphs 41 and 42, and Figure 3); obtaining a selection of one of the template advertisements; obtaining information to be inserted into the selected template advertisement (page 3 paragraphs 36 and 37, page 4 paragraphs 41 and 42, and Figure 3); and creating the selected advertisement based on the information to be inserted into the template advertisement (page 3 paragraphs 36 and 37, page 4 paragraphs 41 and 42, and Figure 3).*

8. *In reference to claims 100 and 101, Wagner does not teach displaying an active status of the ad campaign to the advertiser. Mason teaches displaying an active status of the ad campaign to the advertiser (col. 6 lines 27-65). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Wagner to include displaying an active status of the ad campaign to the advertiser to keep the advertiser informed about the success of the advertisement in real-time.*

9. *In reference to claim 102, Wagner does not teach the method further comprising reviewing content of the advertisements from the established ad campaign. Mason teaches reviewing content of the advertisements from the established ad campaign (col.*

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3 lines 35-42 and col. 5 lines 53-61). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Wagner to include reviewing content of the advertisements from the established ad campaign to ensure that there are no typographical errors in the text of the advertisements.

10. *In reference to claim 103, Wagner does not teach the method wherein the reviewing determines if the advertisements are approved or not approved, and when the advertisements are deemed not approved, the advertisements are rejected and the ad campaign status is suspended, and when the advertisements are deemed approved, the advertisements are accepted and the ad campaign status is active. Mason teaches reviewing the selected advertisement to determine if the advertisement is approved or not approved (col. 3 lines 35-42 and col. 5 lines 53-61), and when the advertisement is deemed not approved, the advertisement is rejected and the ad campaign status is suspended (i.e. a new advertisement is created) (col. 5 lines 53-61), and when the advertisement is deemed approved, the advertisement is accepted and the ad campaign status is active (col. 5 lines 53-61). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Wagner to review if the advertisements are approved or not approved, and when the advertisements are deemed not approved, the advertisements are rejected and the ad campaign status is suspended, and when the advertisements are deemed approved, the advertisements are accepted and the ad campaign status is active to ensure that there are no typographical errors in the text of the advertisements and only advertisements that do not have any errors are displayed.*

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11. *In reference to claim 104, Wagner does not teach the method wherein the advertiser can modify the status of the ad campaign through the self-serve interface.*

Mason teaches the method wherein the advertiser can modify the status of the ad campaign through the self-serve interface (col. 4 lines 54-67 and col. 6 lines 27-59). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Wagner to include modifying the status of the ad campaign through the self-serve interface to enable the advertiser to replace non-performing advertisements with better performing advertisements.

12. *In reference to claim 105, Wagner inherently teaches the method wherein the advertiser can establish multiple ad campaigns (i.e. you can create one or more ads using the interface) (page 3 paragraphs 34 and 36 and Figure 3).*

13. *In reference to claim 106, Wagner does not teach the method further comprising providing a campaign summary report for viewing details for each of the multiple ad campaigns. Mason teaches the method further comprising providing a campaign summary report for viewing details for each of the multiple ad campaigns (col. 6 lines 27-col. 7 lines 13). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Wagner to include providing a campaign summary report for viewing details for each of the multiple ad campaigns to enable the advertiser to see the impact of the advertisements and to make decisions regarding continuing, replacing, or ending the showing of the advertisements.*

14. *In reference to claim 107, Wagner teaches the method wherein receiving the budget from the advertiser comprises receiving an amount of funds used for paying for*

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the display of the ad campaign (page 3 paragraphs 34 and 38, page 4 paragraphs 38 and 45 and Figure 3).

15. *Claims 98, 99, 108, 110, and 111, are rejected under 103(a) as being unpatentable over Wagner in view of Mason and further in view of Official Notice.*

In reference to claims 98 and 99, Wagner teaches the method wherein the information obtained for the selected template advertisement comprises a description (page 3 paragraphs 36 and 37, page 4 paragraphs 41 and 42, and Figure 3).

Wagner does not specifically teach that the advertising information also comprise a URL and an image. Official Notice is taken that it is old and well known for advertising information to include a URL and an image. For example, an advertisement in the newspaper can list a URL where additional information about the advertised product can be obtained such as pictures of a house or an item. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Wagner's invention to include in the advertising information a URL to enable viewers to access videos or other images associated with the text advertisement by viewing the URL.

16. *In reference to claim 108, Wagner does not teach the method wherein receiving the budget from the advertiser comprises receiving a request for an automatic payment plan that automatically replenishes the amount of funds when the amount drops below a predetermined threshold. Official Notice is taken that it is old and well known to receive a request for an automatic payment plan that automatically replenishes the amount of funds when the amount drops below a predetermined threshold. For example, people set up automatic bill pay features to pay their utilities from their checking accounts and*

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when a balance is due, the amount that is due is transmitted to the utility account to make it come to a zero balance automatically. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Wagner's invention to include receiving a request for an automatic payment plan that automatically replenishes the amount of funds when the amount drops below a predetermined threshold to enable the advertiser to continue advertising a particular advertisement without requiring the advertiser to resubmit billing information manually for the longer advertising time period.

17. *In reference to claims 110 and 111, Wagner does not teach the method wherein establishing the ad campaign by the advertiser further comprises receiving a name for the ad campaign from the advertiser and wherein the management screen for the advertiser comprises viewing and editing the name of the ad campaign by the advertiser. Official Notice is taken that it is old and well known to receive a name for the ad campaign from the advertiser wherein the management screen for the advertiser comprises viewing and editing the name of the ad campaign by the advertiser. For example, TV stations that play advertisements have to assign some kind of identifying information to an advertisement belonging to an advertiser in order to know when to show which advertisement. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Wagner's invention to include receiving a name for the ad campaign from the advertiser wherein the management screen for the advertiser comprises viewing and editing the name of the ad campaign by the advertiser to enable the publisher to keep track of which advertisements are associated with which*

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advertisers and to keep track of when and where each advertisement needs to be displayed.

18. *Claims 112-14 are rejected under 103(a) as being unpatentable over Wagner in view of Mason and further in view of Davis.*

In reference to claim 112, Wagner does not teach the method wherein establishing the ad campaign by the advertiser further comprises receiving a request from the advertiser for an alert regarding pricing availability. Davis teaches the method wherein establishing the ad campaign by the advertiser further comprises receiving a request from the advertiser for an alert regarding pricing availability (col. 13 lines 64 to col. 14 lines 20). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Wagner's invention to include receiving a request from the advertiser for an alert regarding pricing availability to enable an advertiser to monitor the cost associated with listing an advertisement without having to visit the website continuously.

19. *In reference to claims 113 and 114, Wagner does not teach the method wherein establishing the ad campaign by the advertiser further comprises receiving a request from the advertiser for an e-mail alert when the amount of funds drops below a predetermined threshold. Davis teaches the method wherein establishing the ad campaign by the advertiser further comprises receiving a request from the advertiser for an e-mail alert when the amount of funds drops below a predetermined threshold (col. 13 lines 64 to col. 14 lines 20). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Wagner's invention to include receiving*

a request from the advertiser for an e-mail alert when the amount of funds drops below a predetermined threshold to enable the advertiser to ensure that his account is not suspended as a result of non-payment and the advertisement remains active.

20. *Claims 115-133 are rejected under 103(a) as being unpatentable over Wagner in view of Mason, further in view of Davis et al (Patent Number 6,269,361 hereinafter Davis), and further in view of Official Notice.*

In reference to claim 115, Wagner teaches in a computer readable storage medium having stored therein data representing instructions executable by a programmed processor for providing a web-based self-serve interface to an advertiser for managing an ad campaign, the storage medium comprising instructions for: providing access to the web-based self-serve interface to the advertiser for managing the ad campaign (page 3 paragraphs 34 and 36 and Figure 3), wherein management of the ad campaign by the advertiser comprises: receiving, from the advertiser, a selection of the ad campaign (page 3 paragraphs 34 and 36 and Figure 3); receiving, from the advertiser, a request to create an advertisement that includes text (page 3 paragraphs 36 and 37, page 4 paragraphs 41 and 42, and Figure 3); receiving, from the advertiser, a selection of one or more available advertisements to be included in the ad campaign, wherein the available advertisements comprise existing advertisements and the created advertisement (page 3 paragraphs 34, 36, and 37 and Figure 3); receiving, from the advertiser, a selection of a time frame for displaying the selected advertisements (page 3 paragraph 35 and Figure 3); receiving, from the advertiser, a selection of a cost for displaying the selected advertisements (page 3 paragraph 38, page 4 paragraphs 38 and

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45, and Figure 3); and receiving, from the advertiser, a budget amount to spend during the ad campaign (page 3 paragraph 38 and Figure 3); and providing a management screen in the web-based self-serve interface for the advertiser to view and edit the creation and selection of the advertisements, the selection of the time frame, the selection of the cost for displaying, and the budget amount (page 3 paragraphs 34-38 and Figure 3).

Wagner also teaches obtaining name, address, and credit card information from the advertiser (page 3 paragraph 34 and Figure 3). Wagner does not specifically teach receiving log in information from the advertiser for establishing and managing the ad campaign, wherein the ad campaign comprises at least one advertisement. Mason teaches receiving log in information from the advertiser for establishing and managing the ad campaign, wherein the ad campaign comprises at least one advertisement (col. 5 lines 33-46, col. 7 lines 5-13, and Figure 1). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Wagner to include receiving log in information from the advertiser for establishing and managing the ad campaign, wherein the ad campaign comprises at least one advertisement to prevent the advertiser from having to re-enter credit card and identification information each time the advertiser uses the interface.

Wagner does not specifically teach that the advertisement also comprise a hyperlink to a web page associated with the advertiser. Official Notice is taken that it is old and well known for an advertisement also comprise a hyperlink to a web page associated with the advertiser. For example, an advertisement in the newspaper can list

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a URL to a manufacturer's website where additional information about the advertised product can be obtained such as pictures or specifications an item. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Wagner's invention to include in the advertisement a hyperlink to a web page associated with the advertiser to enable viewers to access other images and detailed information associated with the text advertisement at the website.

Wagner does not teach the method wherein each impression or conversion of the displayed advertisements reduces the budget amount by the selected cost. Davis teaches the method wherein each impression or conversion of the displayed advertisements reduces the budget amount by the selected cost (col. 13 lines 3-24). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Wagner's invention to include reducing the budget amount by the selected cost based on each impression of the displayed advertisement to enable the advertiser to track how many times his advertisement has been shown to a user.

21. *In reference to claim 116, Wagner teaches the computer readable medium wherein the creation of one or more advertisements comprises: providing a plurality of template advertisements (page 3 paragraphs 36 and 37, page 4 paragraphs 41 and 42, and Figure 3); obtaining a selection of one of the template advertisements; obtaining information to be inserted into the selected template advertisement (page 3 paragraphs 36 and 37, page 4 paragraphs 41 and 42, and Figure 3); and creating the selected advertisement based on the information to be inserted into the template advertisement (page 3 paragraphs 36 and 37, page 4 paragraphs 41 and 42, and Figure 3).*

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22. *In reference to claims 117 and 118, Wagner teaches the computer readable medium wherein the information obtained for the selected template advertisement comprises a description (page 3 paragraphs 36 and 37, page 4 paragraphs 41 and 42, and Figure 3).*

Wagner does not specifically teach that the advertising information also comprise a URL and an image. Official Notice is taken that it is old and well known for advertising information to include a URL and an image. For example, an advertisement in the newspaper can list a URL where additional information about the advertised product can be obtained such as pictures of a house or an item. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Wagner's invention to include in the advertising information a URL to enable viewers to access videos or other images associated with the text advertisement by viewing the URL.

23. *In reference to claims 119 and 120, Wagner does not teach displaying an active status of the ad campaign to the advertiser. Mason teaches displaying an active status of the ad campaign to the advertiser (col. 6 lines 27-65). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Wagner to include displaying an active status of the ad campaign to the advertiser to keep the advertiser informed about the success of the advertisement in real-time.*

24. *In reference to claim 121, Wagner does not teach the computer readable medium further comprising reviewing content of the advertisements from the established ad campaign. Mason teaches reviewing content of the advertisements from the established ad campaign (col. 3 lines 35-42 and col. 5 lines 53-61). It would have been*

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obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Wagner to include reviewing content of the advertisements from the established ad campaign to ensure that there are no typographical errors in the text of the advertisements.

25. *In reference to claim 122, Wagner does not teach the computer readable medium wherein the reviewing determines if the advertisements are approved or not approved, and when the advertisements are deemed not approved, the advertisements are rejected and the ad campaign status is suspended, and when the advertisements are deemed approved, the advertisements are accepted and the ad campaign status is active. Mason teaches reviewing the selected advertisement to determine if the advertisement is approved or not approved (col. 3 lines 35-42 and col. 5 lines 53-61), and when the advertisement is deemed not approved, the advertisement is rejected and the ad campaign status is suspended (i.e. a new advertisement is created) (col. 5 lines 53-61), and when the advertisement is deemed approved, the advertisement is accepted and the ad campaign status is active (col. 5 lines 53-61). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Wagner to review if the advertisements are approved or not approved, and when the advertisements are deemed not approved, the advertisements are rejected and the ad campaign status is suspended, and when the advertisements are deemed approved, the advertisements are accepted and the ad campaign status is active to ensure that there are no typographical errors in the text of the advertisements and only advertisements that do not have any errors are displayed.*

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26. *In reference to claim 123, Wagner does not teach the computer readable medium wherein the advertiser can modify the status of the ad campaign through the self-serve interface. Mason teaches the method wherein the advertiser can modify the status of the ad campaign through the self-serve interface (col. 4 lines 54-67 and col. 6 lines 27-59). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Wagner to include modifying the status of the ad campaign through the self-serve interface to enable the advertiser to replace non-performing advertisements with better performing advertisements.*

27. *In reference to claim 124, Wagner inherently teaches the computer readable medium wherein the advertiser can establish multiple ad campaigns (i.e. you can create one or more ads using the interface) (page 3 paragraphs 34 and 36 and Figure 3).*

28. *In reference to claim 125, Wagner does not teach the computer readable medium further comprising providing a campaign summary report for viewing details for each of the multiple ad campaigns. Mason teaches the method further comprising providing a campaign summary report for viewing details for each of the multiple ad campaigns (col. 6 lines 27-col. 7 lines 13). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Wagner to include providing a campaign summary report for viewing details for each of the multiple ad campaigns to enable the advertiser to see the impact of the advertisements and to make decisions regarding continuing, replacing, or ending the showing of the advertisements.*

29. *In reference to claim 126, Wagner does not teach the computer readable medium wherein receiving the budget from the advertiser comprises receiving a request*

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for an automatic payment plan that automatically replenishes the amount of funds when the amount drops below a predetermined threshold. Official Notice is taken that it is old and well known to receive a request for an automatic payment plan that automatically replenishes the amount of funds when the amount drops below a predetermined threshold. For example, people set up automatic bill pay features to pay their utilities from their checking accounts and when a balance is due, the amount that is due is transmitted to the utility account to make it come to a zero balance automatically. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Wagner's invention to include receiving a request for an automatic payment plan that automatically replenishes the amount of funds when the amount drops below a predetermined threshold to enable the advertiser to continue advertising a particular advertisement without requiring the advertiser to resubmit billing information manually for the longer advertising time period.

30. *In reference to claims 127 and 128, Wagner does not teach the computer readable medium wherein establishing the ad campaign by the advertiser further comprises receiving a name for the ad campaign from the advertiser and wherein the management screen for the advertiser comprises viewing and editing the name of the ad campaign by the advertiser. Official Notice is taken that it is old and well known to receive a name for the ad campaign from the advertiser wherein the management screen for the advertiser comprises viewing and editing the name of the ad campaign by the advertiser. For example, TV stations that play advertisements have to assign some kind of identifying information to an advertisement belonging to an advertiser in order to know*

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when to show which advertisement. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Wagner's invention to include receiving a name for the ad campaign from the advertiser wherein the management screen for the advertiser comprises viewing and editing the name of the ad campaign by the advertiser to enable the publisher to keep track of which advertisements are associated with which advertisers and to keep track of when and where each advertisement needs to be displayed.

31. *In reference to claim 129, Wagner does not teach the computer readable medium wherein establishing the ad campaign by the advertiser further comprises receiving a request from the advertiser for an alert regarding pricing availability. Davis teaches the method wherein establishing the ad campaign by the advertiser further comprises receiving a request from the advertiser for an alert regarding pricing availability (col. 13 lines 64 to col. 14 lines 20). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Wagner's invention to include receiving a request from the advertiser for an alert regarding pricing availability to enable an advertiser to monitor the cost associated with listing an advertisement without having to visit the website continuously.*

32. *In reference to claims 130 and 131, Wagner does not teach the computer readable medium wherein establishing the ad campaign by the advertiser further comprises receiving a request from the advertiser for an e-mail alert when the amount of funds drops below a predetermined threshold. Davis teaches the method wherein establishing the ad campaign by the advertiser further comprises receiving a request*

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from the advertiser for an e-mail alert when the amount of funds drops below a predetermined threshold (col. 13 lines 64 to col. 14 lines 20). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Wagner's invention to include receiving a request from the advertiser for an e-mail alert when the amount of funds drops below a predetermined threshold to enable the advertiser to ensure that his account is not suspended as a result of non-payment and the advertisement remains active.

33. *In reference to claim 132, Wagner does not teach the computer readable medium wherein the cost comprises an effective cost per Mil (eCPM) for the advertisement. Official Notice is taken that is old and well known in the area of Internet advertising to use measurements including the cost per a thousand impressions and cost per click to rank potential advertisements in a way to maximize earnings of the website owner. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention for Wagner's invention to include the use of the cost per thousand impressions in order to prioritize advertisement display based on the payout that can be achieved from the display.*

34. *In reference to claim 133, Wagner teaches the computer readable medium of wherein the advertisement comprises of text only (page 3 paragraphs 34, 36, 37, and 38, page 4 paragraph 38, and Figure 3).*

Response to Arguments

35. After careful review of Applicant's remarks/arguments filed on 05/07/2009, the Applicant's arguments with respect to claims 95-133 are presented for examination and

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have been fully considered but are moot in view of the new ground(s) of rejection.

Amendments to the claims have both been entered and considered.

36. Applicants additional remarks are addressed to new limitations in the claims and have been addressed in the rejection necessitated by the amendments.

Conclusion

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

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/NAMRATA BOVEJA/

Examiner, Art Unit 3622